

Assembly Bill No. 2194

CHAPTER 841

An act to add Section 1276.05 to the Health and Safety Code, relating to health facilities, and making an appropriation therefor.

[Approved by Governor September 28, 2000. Filed
with Secretary of State September 29, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2194, Gallegos. Temporary health facility licensing.

Existing law provides for the licensing of various health facilities by the State Department of Health Services, and gives the Office of Statewide Planning and Development various regulatory duties with respect to these facilities.

Existing law provides that the building standards published in the State Building Standards Code by the Office of Statewide Health Planning and Development, and the regulations adopted by the State Department of Health Services shall prescribe standards of adequacy, safety, and sanitation of the physical plant, of staffing with duly qualified licensed personnel, and of services of health facilities.

Existing law requires that the regulations shall permit program flexibility by the use of alternate concepts, methods, procedures, techniques, equipment, personnel qualifications, or conducting of pilot projects as long as statutory requirements are met and the use has the prior written approval of the department or the office, as applicable.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes certain seismic safety standards hospitals are required to meet.

This bill would provide for the waiver of a general acute care hospital from certain standards relative with respect to relocating services on an interim basis as part of its approval plan for compliance with the act.

This bill would require the State Department of Health Services to establish the Alfred E. Alquist Hospital Facilities Seismic Safety Act Unit, and would specify the purposes for which the unit shall be established relative to the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

This bill would appropriate \$145,000 from the General Fund to the department for the establishment of the Alfred E. Alquist Hospital Facilities Seismic Safety Act Unit.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 1276.05 is added to the Health and Safety Code, to read:

1276.05. (a) The Office of Statewide Health Planning and Development shall allow any general acute care hospital facility that needs to relocate services on an interim basis as part of its approval plan for compliance with the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107) flexibility in achieving compliance with, or in substantial satisfaction the objectives of, building standards adopted pursuant to Section 1276 with regard to the use of interim space for the provision of hospital services, or both, on a case-by-case basis so long as public safety is not compromised.

(b) The state department shall allow any facility to which subdivision (a) applies flexibility in achieving compliance with, or in substantial satisfaction of, the objectives of licensing standards, or both, with regard to the use of interim space for the provision of hospital services, or both, on a case-by-case basis so long as public safety is not compromised.

(c) Hospital licensees, upon application for program flexibility under this section, shall provide public notice of the proposed interim use of space that houses at least one of the eight basic services that are required in a general acute care hospital in a manner that is likely to reach a substantial number of residents of the community served by the facility and employees of the facility.

(d) No request shall be approved under this section for a waiver of any primary structural system, fire and life safety requirements, or any requirement with respect to accessibility for persons with disabilities.

(e) In approving any request pursuant to this section for flexibility, the office shall consider public comments.

(f) The state department shall establish a unit with two statewide liaisons for the purposes of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107), to do all of the following:

(1) Serve as a central resource for hospital representatives on licensing issues relative to the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 and provide licensing information to the public, upon request.

(2) Serve as liaison with the Office of Statewide Health Planning and Development, the State Fire Marshal, the Seismic Safety Commission, and other entities as necessary on hospital operational issues with respect to Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

(3) Ensure statewide compliance with respect to licensing issues relative to hospital buildings that are required to meet standards

established by the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

(4) Process requests for program flexibility under subdivision (a).

(5) Accept and consider public comments on requests for flexibility.

(g) Each compliance plan, in providing for an interim use of space, shall identify the duration of time proposed for the interim use of the space. Upon any amendment of a hospital's approved compliance plan, any hospital for which a flexibility plan has been approved pursuant to subdivision (a) shall provide a copy of the amended plan to the State Department of Health Services within 30 days.

SEC. 2. The sum of one hundred forty-five thousand dollars (\$145,000) is appropriated from the General Fund to the State Department for the purpose of establishing the Alfred E. Alquist Hospital Facilities Seismic Safety Act Unit.

